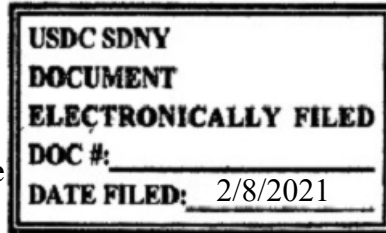




U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd floor
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February 8, 2021

BY ECF

Hon. Barbara C. Moses
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSED

Re: *Melendez v. Comm'r of Soc. Sec.*, No. 20 Civ. 6695 (BCM)

Dear Judge Moses:

This Office represents the Commissioner of Social Security (the “Commissioner”), the defendant in the above-referenced action, which the plaintiff brought pursuant to 42 U.S.C. § 405(g) seeking judicial review of the Commissioner’s decision to deny his application for Social Security disability benefits.

I respectfully write to request, with the plaintiff’s consent, a 60-day extension of time for the Commissioner to file the certified administrative record in this case, from February 8, 2021, to April 9, 2021. The Court previously granted the Commissioner’s request for a 60-day extension of time to file the certified administrative record, but ordered that no further extensions of the deadline to file the record would be granted absent compelling circumstances. (Dkt. No. 16.) I apologize for the need to seek a second extension of time to file the record, but I respectfully submit that compelling circumstances exist here to justify a second extension.

The COVID-19 pandemic has significantly impacted the operations of the Social Security Administration (“SSA”) and its Office of Appellate Operations (“OAO”) and materially affected its ability to prepare certified administrative records and to obtain transcriptions of hearing recordings from private contractors. As described in the attached Declaration of Jebby Rasputnis, dated December 4, 2020, prior to the COVID-19 pandemic, SSA staff worked to prepare certified administrative records at an office located in Falls Church, Virginia, with the support of three contracted transcription-typing services. (Rasputnis Decl. ¶ 2.) Beginning in mid-March 2020, the SSA restricted physical access to its buildings, including its Falls Church office, and kept its employees on maximum telework to protect the health and safety of its employees. (Rasputnis Decl. ¶ 3.) The SSA had to redesign its business processes to allow for a mostly virtual record preparation process, including by modifying and testing technology, retraining staff, and modifying blanket purchasing agreements with the transcription-typing services the SSA relies on to prepare transcripts of agency hearings. (Rasputnis Decl. ¶ 3.) In September 2020, the SSA was

able to complete contracts with two additional transcription-typing service contractors, in addition to training in-house staff to complete transcriptions, hiring new staff on an expedited basis, and transferring staff to assist with the workload. (Rasputnis Decl. ¶¶ 4-5.) The SSA is now producing certified administrative records at its pre-pandemic levels. (Rasputnis Decl. ¶ 7.)

Despite these efforts, a significant backlog of cases has developed due to the logistical difficulties caused by the pandemic combined with a significant increase in the number of new complaints filed against the SSA in district courts. (Rasputnis Decl. ¶ 7.) The SSA continues to focus its efforts on processing records for the most aged cases, has improved the overall time frame for delivering a record in any individual case, and continues to work on increasing productivity to the best of its ability. (Rasputnis Decl. ¶¶ 9-10.) However, the SSA remains subject to some constraints that are outside of its control. (Rasputnis Decl. ¶¶ 9-10.)

As a result, I respectfully request that the Court grant the Commissioner's request for a second 60-day extension of time to file the certified administrative record in this case. I thank the Court for its consideration of this request.

Application GRANTED. No further extensions will be granted absent compelling circumstances. SO ORDERED.



Barbara Moses, U.S.M.J.
February 8, 2021

Respectfully,

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United States Attorney

/s/ Amanda F. Parsels

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